

UNITED STATES COURT OF APPEALS

APR 4 2002

TENTH CIRCUIT

PATRICK FISHER
Clerk

WENDELL MATHIS,

Plaintiff - Appellant,

v.

DONA ANA COUNTY DETENTION
CENTER; JOHN DOE, also known as
Capt Alvarez; JOHN DOE, also known
as Lieutenant Roach; JOHN/JANE
DOES, Medical Staff; JOHN/JANE
DOES, Detention Officers, all jointly
and severally liable and in their
individual capacities; DR. LORA
MILLER,

Defendants - Appellees.

No. 01-2143

(D.C. No. CIV-99-1398-LH/KBM)
(District of New Mexico)

ORDER AND JUDGMENT*

Before **KELLY, McKAY**, and **MURPHY**, Circuit Judges.

After examining the briefs and the appellate record, this panel has
determined unanimously that oral argument would not materially assist the
determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G).

The case is therefore ordered submitted without oral argument.

*This order and judgment is not binding precedent, except under the
doctrines of law of the case, res judicata, and collateral estoppel. The court
generally disfavors the citation of orders and judgments; nevertheless, an order
and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

This is a pro se prisoner § 1983 civil rights appeal. Mr. Mathis, a federal prisoner housed in a New Mexico state facility, sought relief claiming state and federal violations of his safety and medical needs. The magistrate judge recommended that the complaint be dismissed, including exercise of supplemental jurisdiction over the state claim. After reviewing Mr. Mathis' objections and Mr. Mathis' second response to the Martinez report, the district court adopted the magistrate judge's recommendations and dismissed Mr. Mathis' complaint. This appeal followed.

Mr. Mathis claims on appeal that the district court "errored [sic] by simply choosing sides with the Defendant." Apl't. Br. at 3. Mr. Mathis claims that genuine issues of material fact exist with respect to his claims. The magistrate judge did a comprehensive review of the evidence and, in a detailed and well-reasoned opinion, found that no material issues of fact existed. After a thorough review of Mr. Mathis' brief and the record, we find no error in this finding.

For substantially the same reasons set forth in the district court's Order adopting the magistrate judge's March 15, 2001, Proposed Findings and Recommended Disposition, we hold that no relief is available to Mr. Mathis.

The decision of the trial court is AFFIRMED.

ENTERED FOR THE COURT:

Monroe G. McKay
Circuit Judge